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SENATE BILL 286

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO TELEHEALTH; RENAMING THE NEW MEXICO TELEHEALTH AND HEALTH INFORMATION TECHNOLOGY COMMISSION ACT AND THE NEW MEXICO TELEHEALTH AND HEALTH INFORMATION TECHNOLOGY COMMISSION; REVISING THE COMMISSION'S PURPOSE, COMPOSITION AND DUTIES; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-1G-1 NMSA 1978 (being Laws 2005, Chapter 55, Section 1, as amended) is amended to read:

"24-1G-1. SHORT TITLE.--Chapter 24, Article 1G NMSA 1978 may be cited as the [~~New Mexico Telehealth and Health Information Technology~~] "Enhanced Health Care Delivery Commission Act"."

Section 2. Section 24-1G-2 NMSA 1978 (being Laws 2005,

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1 Chapter 55, Section 2, as amended) is amended to read:

2 "24-1G-2. PURPOSE.--The purpose of creating [~~a telehealth~~
3 ~~and health information technology commission is to encourage a~~
4 ~~single, coordinated statewide effort to create a telehealth and~~
5 ~~health information technology system that:~~

6 A. ~~provides and supports health care delivery,~~
7 ~~diagnosis, consultation, treatment, transfer of medical data~~
8 ~~and education when distance separates a patient and a health~~
9 ~~care provider; multiple health care providers involved in~~
10 ~~patient care; and health care providers and educational or~~
11 ~~professional activities;~~

12 B. ~~addresses the problems of provider distribution~~
13 ~~in medically underserved areas of the state;~~

14 C. ~~strengthens the health infrastructure;~~

15 D. ~~attracts and retains health care providers in~~
16 ~~rural areas; and~~

17 E. ~~helps reduce costs associated with health care~~
18 ~~and make health care more affordable] an enhanced health care
19 delivery commission is to increase access to a broad range of
20 health services for all New Mexicans, especially those in rural
21 areas and those at risk of significant health issues, through
22 health information technology."~~

23 Section 3. Section 24-1G-3 NMSA 1978 (being Laws 2005,
24 Chapter 55, Section 3, as amended) is amended to read:

25 "24-1G-3. DEFINITIONS.--As used in the [~~New Mexico~~

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1 ~~Telehealth and Health Information Technology~~ Enhanced Health
2 Care Delivery Commission Act:

3 A. "commission" means the ~~[New Mexico telehealth~~
4 ~~and health information technology]~~ enhanced health care
5 delivery commission; and

6 B. "health information technology" means products,
7 devices or systems that allow for the secure electronic
8 collection, storage, exchange or management of patient
9 information, ~~and~~

10 C. ~~"telehealth" means the use of electronic~~
11 ~~information, imaging and communication technologies]~~ including
12 interactive audio, video and data communications, ~~[as well as~~
13 ~~store-and-forward technologies]~~ to provide and support health
14 care delivery, diagnosis, consultation, treatment, transfer of
15 medical data and education."

16 Section 4. Section 24-1G-4 NMSA 1978 (being Laws 2005,
17 Chapter 55, Section 4, as amended by Laws 2007, Chapter 14,
18 Section 4 and by Laws 2007, Chapter 46, Section 13) is amended
19 to read:

20 "24-1G-4. [TELEHEALTH] COMMISSION CREATED--POWERS AND
21 DUTIES--MEMBERSHIP.--

22 A. The ~~[New Mexico telehealth and health~~
23 ~~information technology]~~ "enhanced health care delivery
24 commission" is created. The commission is administratively
25 attached to the department of health, which shall work in

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1 conjunction with the New Mexico health policy commission, in
2 accordance with the Executive Reorganization Act.

3 ~~[B. The commission shall consist of no more than~~
4 ~~twenty-five members with members, one-third of whom shall be~~
5 ~~from rural areas, chosen from the following categories, all of~~
6 ~~whom shall be appointed by and serve at the pleasure of the~~
7 ~~governor:~~

- 8 ~~(1) health care facilities;~~
- 9 ~~(2) health care practitioners;~~
- 10 ~~(3) health care workforce educators;~~
- 11 ~~(4) telehealth technology experts;~~
- 12 ~~(5) the telecommunications industry;~~
- 13 ~~(6) the business community;~~
- 14 ~~(7) health care insurance providers or other~~
15 ~~health care payers;~~
- 16 ~~(8) the health information technology~~
17 ~~industry;~~
- 18 ~~(9) Indian nations, tribes and pueblos;~~
- 19 ~~(10) legislators;~~
- 20 ~~(11) state agencies responsible for:~~
 - 21 ~~(a) telecommunications;~~
 - 22 ~~(b) public health;~~
 - 23 ~~(c) medicaid and social services;~~
 - 24 ~~(d) workforce development;~~
 - 25 ~~(e) children's health and social~~

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1 ~~services;~~

2 ~~(f) services for the elderly and persons~~
3 ~~with a disability;~~

4 ~~(g) criminal justice;~~

5 ~~(h) health policy and planning; and~~

6 ~~(i) education; and~~

7 ~~(12) other members as the governor may appoint~~
8 ~~to ensure appropriate cultural and geographic representation~~
9 ~~and the interests of the public.~~

10 ~~C. The commission shall:~~

11 ~~(1) identify how telehealth and health~~
12 ~~information technology can be used to increase access to care~~
13 ~~and implement state comprehensive health plans;~~

14 ~~(2) identify barriers to telehealth and health~~
15 ~~information technology utilization and expansion, including~~
16 ~~payment, infrastructure, training and workforce availability;~~

17 ~~(3) inventory the state's telehealth and~~
18 ~~health information technology assets, map available~~
19 ~~telecommunications infrastructure and examine the financial~~
20 ~~impact of failing to develop the state's telehealth and health~~
21 ~~information technology capacities;~~

22 ~~(4) coordinate public and private sector~~
23 ~~initiatives to enhance networking, portal development and~~
24 ~~connectivity and to expand telehealth and health information~~
25 ~~technology and telecommunications capacity;~~

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1 ~~(5) establish such subcommittees as the~~
2 ~~commission deems necessary to fulfill its purpose, powers and~~
3 ~~duties or to address specific telehealth and health information~~
4 ~~technology issues;~~

5 ~~(6) identify specific actions to increase~~
6 ~~collaborative efforts and public-private partnerships to~~
7 ~~increase the use of telehealth and health information~~
8 ~~technology for health care access development, patient outcome~~
9 ~~improvement, patient and workforce education and health care~~
10 ~~practitioner recruitment and development;~~

11 ~~(7) develop and disseminate specific~~
12 ~~telehealth and health information technology standards and~~
13 ~~guidelines to ensure quality of care, positive health outcomes,~~
14 ~~appropriate use of technology and protection of privacy and~~
15 ~~confidentiality;~~

16 ~~(8) review and comment on initiatives,~~
17 ~~projects or grant applications to ensure telehealth and health~~
18 ~~information technology standards and guidelines are met and~~
19 ~~maximum collaboration and cooperation across the state is~~
20 ~~encouraged;~~

21 ~~(9) meet at least once each quarter at the~~
22 ~~call of the chair or vice chair, who shall be designated by the~~
23 ~~governor from among the membership; and~~

24 ~~(10) report annually to the governor and the~~
25 ~~legislature on the state of the telehealth and health~~

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1 ~~information technology system and the adequacy and allocation~~
2 ~~of telehealth services throughout the state, providing the~~
3 ~~governor and the legislature with specific recommendations for~~
4 ~~improving telehealth and health information technology and~~
5 ~~related service systems.]~~

6 B. The commission shall consist of seventeen
7 members, including:

8 (1) eleven members as follows:

9 (a) the secretary of health or the
10 secretary's designee;

11 (b) the secretary of children, youth and
12 families or the secretary's designee;

13 (c) the secretary of aging and long-term
14 services or the secretary's designee;

15 (d) the secretary of human services or
16 the secretary's designee; provided, however, that the secretary
17 ensures that medicaid issues are addressed;

18 (e) the secretary of public education or
19 the secretary's designee;

20 (f) the secretary of corrections or the
21 secretary's designee;

22 (g) the secretary of veterans' services
23 or the secretary's designee;

24 (h) the secretary of Indian affairs or
25 the secretary's designee;

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1 (i) the director of the interagency
2 behavioral health purchasing collaborative;

3 (j) the director of the New Mexico
4 health policy commission; and

5 (k) the chief executive officer of the
6 health sciences center of the university of New Mexico or the
7 chief executive officer's designee;

8 (2) four public members who shall be appointed
9 by and serve at the pleasure of the governor to represent
10 health care practitioners, health care facilities, health care
11 insurers or payers and health care technology entities and to
12 represent the cultural and geographic diversity of the state
13 and the public health interest;

14 (3) a member of the house of representatives
15 who shall be appointed by the speaker of the house of
16 representatives; and

17 (4) a member of the senate who shall be
18 appointed by the committees' committee or, if the appointments
19 are made in the interim, by the president pro tempore after
20 consultation with and agreement of a majority of the members of
21 the committees' committee.

22 C. The commission shall:

23 (1) identify health care programs or services
24 that can be delivered through health information technology;

25 (2) identify barriers to the delivery of these

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1 services, including payment mechanisms, infrastructure and work
2 force availability and training;

3 (3) encourage coordination of public and
4 private health care delivery through health information
5 technology;

6 (4) recommend state investment or expenditure
7 strategies that enhance health care delivery through health
8 information technology;

9 (5) recommend health care appropriations and
10 spending priorities; and

11 (6) submit by September 1 of each year its
12 findings and recommendations for the improvement of health care
13 delivery through health information technology.

14 D. A majority of the members of the commission
15 constitutes a quorum for the transaction of business."